

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MIRZA ARIFUZ HAQUE

v.

CIVIL ACTION NO. 02-10345-RWZ

COMPUSA, INC., et al.

MUKUL HASSAN

v.

CIVIL ACTION NO. 02-11471-RWZ

COMPUSA, INC., et al.

KHURSHID ALAM

v.

CIVIL ACTION NO. 02-11472-RWZ

COMPUSA, INC., et al.

MEMORANDUM RE: STATUS OF CASES

May 5, 2004

ZOBEL, D.J.

Plaintiffs allege that they were wrongfully arrested and imprisoned because defendant Certegy provided erroneous information about plaintiff Mirza Arifuz Haque to defendant CompUSA when plaintiff was a customer at a store operated by CompUSA. The police defendants responded to CompUSA's call and, based on the same wrong information, arrested and detained Haque and his two friends, plaintiffs Mukul Hassan and Khurshid Alam. Defendant Todd Wesman was an employee of CompUSA. At the request of some defendants, the cases were consolidated for pretrial purposes. At

some time during the pendency of these proceedings, plaintiffs, who were citizens of Pakistan and Bangladesh, returned to their countries, and these cases got stuck.

Several defendants filed substantive motions to dismiss that were allowed in part and denied in part. Then defendants sought discovery. Plaintiffs' counsel, through no fault of their own, were unable to respond to any discovery requests, as they were unable to communicate adequately, if at all, with their clients. As a result, defendants filed a series of motions to compel discovery that were allowed without opposition, but produced no responses. A further series of motions to dismiss for failure to comply with the orders to provide discovery were, for the most part, also allowed without opposition.

The status of the several defendants became muddy because of the number of motions to dismiss and because they were not always filed in the correct case. For example, one motion to dismiss the complaints of Hassan and Alam was filed by CompUSA and Wesman only in the Haque case (02-10345); a subsequent motion by CompUSA only against all plaintiffs was filed in the Hassan case. Despite the allowance of most of the motions, defendants continued to file more dispositive motions in one or another or all cases. The police officer defendants achieved dismissal of two counts in response to their substantive motion to dismiss filed in all cases and dismissal of all cases in their entirety for failure to provide discovery. The Cambridge Police Department had joined in the latter motion, and it, too, thus succeeded in its request for dismissal. Nonetheless there remains on the docket a motion for summary judgment by the officers filed after the second motion to dismiss had been allowed.

A thorough review of the case files and docket sheets shows that, with the exception of Wesman, who remains a defendant in the Haque case, all defendants have

been dismissed from each case. If appropriate, the court will entertain a further motion to dismiss by Wesman, or a motion to reconsider the denial of his earlier motion to dismiss in the Haque case. Otherwise, judgments of dismissal of the complaints appear to be in order in the Hassan and Alam cases.

DATE

/s/ Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE